

Message Text

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ORIGIN L-03

INFO OCT-01 OES-07 ISO-00 /011 R

DRAFTED BY L/OES:TLEITZELL:MERS
APPROVED BY L/OES - TERRY L. LEITZELL
OES/OFA - MR. SNEAD

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P 272050Z JUL 77

FM SECSTATE WASHDC

TO JOHN C. MERKEL US ATTORNEY W DISTRICT OF WASH
FLOOR 10 US COURT HOUSE
SEATTLE WASH 98104 PRIORITY

UNCLAS STATE 175991

E.O. 11652: N/A

TAGS: (MERKEL, JOHN C.)

SUBJECT:

-

RE: US V. WASHINGTON
CIVIL NO. 92L3, USDC WD WA

DEAR MR. MERKEL:

I AM WRITING IN RESPONSE TO YOUR LETTER OF JULY L5 TO
MRS. PATSY MINK, ASSISTANT SECRETARY OF STATE FOR
OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC
AFFAIRS, FORWARDING CERTAIN INTERROGATORIES TO THE
UNITED STATES IN U.S. V. WASHINGTON CIVIL NO. 9213,
USDC WD WA.

WITH REGARD TO QUESTIONS AT ISSUE IN THE ABOVE-
REFERENCED CASE, THE DEPARTMENT OF STATE EXERCISES
ONLY ONE TYPE OF AUTHORITY THAT MIGHT BE CONSIDERED
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REGULATORY, I.E. THE APPROVAL ON BEHALF OF THE
GOVERNMENT OF THE UNITED STATES OF THE REGULATIONS
PROMULGATED BY INTERNATIONAL PACIFIC SALMON FISHERIES
COMMISSION.

THE CONVENTION FOR THE PROTECTION, PRESERVATION, AND
EXTENSION OF THE SOCKEYE SALMON FISHERY OF THE FRASER

RIVER SYSTEM, 50 STAT. L355, AND THE PROTOCOL AMENDING THE CONVENTION TO INCLUDE PINK SALMON IN THE FRASER RIVER, 8 UST L057, PROVIDE, IN ARTICLE III OF THE PROTOCOL, THAT "ALL REGULATIONS MADE BY THE COMMISSION SHALL BE SUBJECT TO APPROVAL OF THE TWO GOVERNMENTS WITH THE EXCEPTION OF ORDERS FOR THE ADJUSTMENT OF CLOSING OR OPENING OF FISHING PERIODS AND AREAS IN ANY FISHING SEASON AND OF EMERGENCY ORDERS REQUIRED TO CARRY OUT THE PROVISIONS OF THE CONVENTION". THE DEPARTMENT OF STATE, PURSUANT TO 22 U.S.C. 2656, ACCEPTS THOSE REGULATIONS ON BEHALF OF THE UNITED STATES GOVERNMENT.

THE MOST RECENT EXERCISE OF THIS AUTHORITY WAS JUNE L7, L977, WHEN THE DEPARTMENT ACCEPTED THE REGULATIONS IN A LETTER FROM DEPUTY ASSISTANT SECRETARY ROZANNE RIDGWAY TO THE COMMISSION.

THE INTERROGATORIES REQUEST DOCUMENTATION OF THE FIRST TIME AND EACH TIME SINCE THAT SUCH AUTHORITY HAS BEEN EXERCISED. PRODUCTION OF THIS INFORMATION WOULD REQUIRE CONSIDERABLE EFFORT TO SEARCH THE DEPARTMENT'S FILES FOR EACH YEAR SINCE THE BEGINNING OF THE COMMISSION TO OBTAIN THAT INFORMATION. IN ADDITION, MANY OF THOSE FILES HAVE BEEN RETIRED TO VARIOUS FEDERAL RECORDS CENTERS BOTH HERE IN UNCLASSIFIED

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WASHINGTON AND ELSEWHERE IN THE COUNTRY. RETRIEVAL OF RETIRED FILES COULD TAKE SEVERAL WEEKS OR MONTHS.

IF WE CAN PROVIDE ANY FURTHER INFORMATION, PLEASE CONTACT ME AT 202-632-80L4. AFTER THIS WEEK, MR. DAVID COLSON OF THIS OFFICE WILL BE HANDLING THIS CASE FOR THE DEPARTMENT. HE CAN BE REACHED ON 202-632-3248. SINCERELY, TERRY L. LEITZELL, ACTING ASSISTANT LEGAL ADVISER FOR OCEANS, ENVIRONMENT AND SCIENTIFIC AFFAIRS. VANCE

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Executive Order: N/A
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